

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

JEAN KILAT MILLER,
vs.
RICK W. SKOGG, *et al.*,
Plaintiff,
Defendants.

Case No. 2:10-cv-01121-KJD-GWF

ORDER

Motion to Quash and Prohibiting Plaintiff from Filing (#55)

This matter is before the Court on Defendants Diana M. Steiner and Ticor Title of Nevada, Inc.'s Motion to Quash Service and Motion for Order Prohibiting Plaintiff from Filing Any Additional Documents Concerning this Defendant (#55), filed March 18, 2011; Defendants David Applegate, GMAC Mortgage, LLC's Joinder to Defendant Diana M. Steiner's Motion to Quash Service and Joinder to Motion for Order Prohibiting Plaintiff from Filing Any Additional Documents Concerning this Defendant (#57), filed March 22, 2011; Defendants Rick W. Skogg, Aurora Loan Services, Linda Cervin and MERS, Inc.'s Joinder to Defendant Diana M. Steiner's Motion to Quash Service and Joinder to Motion for Order Prohibiting Plaintiff from Filing Any Additional Documents Concerning this Defendant (#58), filed March 23, 2011.

On February 3, 2011, the Court issued an Order granting Defendants' Motion to Dismiss First Amended Complaint (#8) as to Defendants David Applegate (GMAC Mortgage, LLC), Kevin McCarthy (Quality Loan Service Corporations), Linda Cervin (MERS), and Diana M. Steiner (Ticor Title of Nevada Inc.). (#28). Since that date, Plaintiff has not been granted leave to amend the complaint or add these parties as defendants in this action. As a result, the dismissed individuals and companies are no longer defendants in this matter and any attempt to serve them is inappropriate.

1 Therefore, the Court will quash service upon Defendants Diana Steiner, Ticor Title of Nevada, Inc.,
2 David Applegate, GMAC Mortgage, LLC, Linda Cervin and MERS, Inc.

3 The Court will deny, however, Defendant Rick W. Skogg and Aurora Loan Services' joinder in
4 the motion to quash service (#58). The Court's order granting Defendant's motion to dismiss states that
5 the motion is granted only as to certain defendants. (*See* #28 at 7) (dismissing Diana Steiner, Ticor
6 Title of Nevada, Inc., David Applegate, GMAC Mortgage, LLC, Linda Cervin and MERS, Inc. as
7 defendants). To date, neither Skogg, nor the business Aurora Loan Services, have been dismissed by
8 the Court. Skogg's joinder to Defendant Steiner's motion to quash service (#55) offers no independent
9 basis for why service should be quashed as to Skoff and Aurora Loan Services. (*See* #58). Instead, the
10 joinder simply relies on Steiner's argument that she has been dismissed from this matter and service is
11 improper. Therefore, the Court will deny Skogg's and Aurora Loan Services' joinder because Skogg
12 has not been dismissed from this action.

13 In addition, the Court will deny the defendants' request that the Court prohibit Plaintiff from
14 filing additional documents concerning defendants (#55). The defendants have not demonstrated that
15 such a sanction is appropriate at this time. Accordingly,

16 **IT IS HEREBY ORDERED** that Defendants Diana M. Steiner and Ticor Title of Nevada,
17 Inc.'s Motion to Quash Service and Motion for Order Prohibiting Plaintiff from Filing Any Additional
18 Documents Concerning this Defendant (#55), Defendants David Applegate, GMAC Mortgage, LLC's
19 Joinder (#57) and Defendants Rick W. Skogg, Aurora Loan Services, Linda Cervin and MERS, Inc.'s
20 Joinder (#58) are **granted in part** and **denied in part** as follows:

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1. Service of process is quashed as to Defendants Diana M. Steiner, Ticor Title of Nevada, Inc., David Applegate, GMAC Mortgage, LLC, Linda Cervin and MERS, Inc.;
2. Rick W. Skogg's and Aurora Loan Services' request to quash service (#58) is **denied**;
3. Defendants' motion to prohibit plaintiff from filing any additional documents (#55) and joinders thereto (#57, 58) are **denied**.

DATED this 2nd day of May, 2011.

George Foley Jr.
GEORGE FOLEY, JR.
UNITED STATES MAGISTRATE JUDGE